

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 APR 21 AM 11:16

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose MARTHA-Virgen,

Defendant

Magistrate Case No.

'08 MJ 1220

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Sec. 1325  
Illegal Entry (Misdemeanor)

The undersigned complainant, being duly sworn, states:

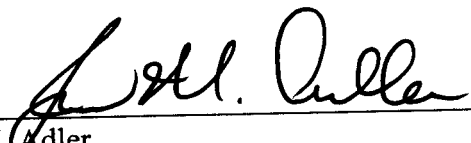
That on or about **April 18, 2008**, within the Southern District of California, defendant, **Jose MARTHA-Virgen**, an alien, did knowingly and willfully enter the United States at a time and place other than as designated by Immigration Officers, and elude examination and inspection by Immigration Officers, a misdemeanor; in violation of Title 8, United States Code, Section 1325.

And the complainant further states that this complaint is based on statement of the apprehending officer that the defendant was found near **San Ysidro, California**, and upon inquiry was unable to establish United States citizenship, and admitted to apprehending officer(s) that he was a citizen of **Mexico**, and had no right to be in or to enter the United States. It is further based upon the defendant's admission that he last entered the United States without inspection near **San Ysidro, California**, on or about **April 18, 2008**.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 21<sup>ST</sup> DAY OF APRIL 2008.

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

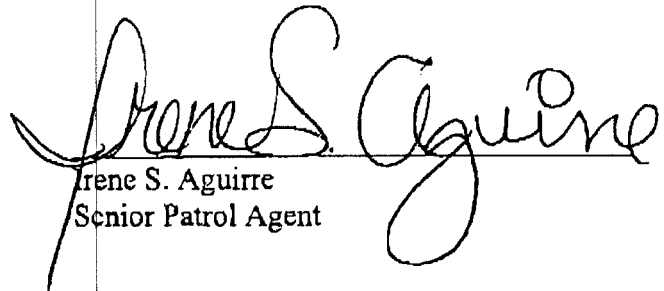
**CONTINUATION OF COMPLAINT:****Jose MARTHA-Virgen****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:


On April 18, 2008 at approximately 10:10 P.M., Border Patrol Agent E. Blanco was conducting line watch operations in an area known as "Sony". Agent Blanco was alerted by the Remote Video Surveillance System, via service radio, of certain individuals crossing the U.S./Mexico International Boundary. "Sony" is an area approximately five miles east of the San Ysidro Port of Entry and is immediately north of the U.S./Mexico International boundary. Due to its close proximity to the border, and an ease of entry into populated areas, "Sony" is an area commonly used by illegal aliens to further their entrance into the United States.

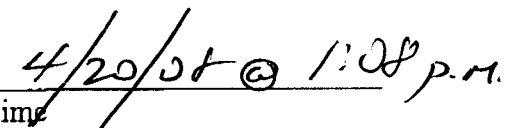
The Remote Video Surveillance System, never losing sight of the individuals, further advised Agent Blanco that the said individuals had proceeded directly to a "Jack-in-the-Box" restaurant just north of "Sony." Upon arriving at the restaurant, Agent Blanco immediately noticed one individual, later identified as the defendant **Jose MARTHA-Virgen**, loitering with dirty clothes and a bloody hand. Presuming that the defendant was dirty and bleeding from his recent scaling of the U.S./Mexico International boundary fence, Agent Blanco identified himself as a United States Border Patrol Agent and conducted an immigration inspection of the defendant. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to lawfully enter or remain in the United States. The defendant also admitted that he had just illegally entered the United States by climbing over the International border fence. Agent Blanco placed the defendant under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Executed on April 20, 2008 at 10:00 a.m.

  
Irene S. Aguirre  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 18, 2008 in violation of Title 8, United States Code, Section 1325.

  
Jan M. Adler  
United States Magistrate Judge

  
Date/Time